

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

THIS DOCUMENT RELATES TO:
ALL OPT OUT ACTIONS

Hon. Anita B. Brody

STIPULATION AND [PROPOSED] ORDER

This Stipulation and Agreement, dated September 18, 2017, is made and entered into by and among the National Football League, NFL Properties LLC, (the "NFL Parties"), and Lead Counsel on Behalf of Opt Out Plaintiffs,¹ (collectively, the "Parties").

WHEREAS, on April 12, 2017, this Court issued an Order (ECF No. 7477) (the "April Scheduling Order") setting forth the schedule and terms for initial motion practice in MDL No. 2323;

WHEREAS, on July 18, 2017, this Court issued a scheduling order (ECF No. 8030) providing dates certain for the initial motion practice set forth in the April Scheduling Order;

WHEREAS, the Parties have agreed to an extension of the page limits for certain of the supporting briefs to be filed by the Parties as part of the initial motion practice, as set forth below;

¹ For the purposes of this Order only, "Opt Out Plaintiffs" shall include only non-Settlement Class Member plaintiffs with pending claims in MDL 2323.

AND NOW, this 18th day of September, 2017, it is hereby stipulated and agreed by the Parties that:

- (i) Each of the NFL Parties' briefs in support of (a) their motion to dismiss the Second Amended Administrative Long-Form Complaint on preemption grounds and (b) their motion to dismiss the Second Amended Administrative Long-Form Complaint on any other 12(b) grounds shall not exceed fifty (50) pages.
- (ii) Each of Lead Counsel for Opt Out Plaintiffs' opposition briefs to the NFL Parties' motions to dismiss shall not exceed fifty (50) pages.
- (iii) Counsel for the Kansas City Chiefs Football Club, Inc. and the Arizona Cardinals Football Club, LLC will file a single, consolidated opposition brief to the motions to remand filed by Plaintiffs in the *Smith v. Arizona Cardinals Football Club, LLC* action (16-cv-1704) and the *Lewis, Smith, and Kenney v. Kansas City Chiefs Football Club, Inc.* actions (14-cv-1995, 14-cv-3383, 14-cv-4779), which shall not exceed fifty (50) pages.

It is so STIPULATED AND AGREED,

By: /s/ Wendy R. Fleishman

By: /s/ Brad S. Karp

Date: September 18, 2017

Date: September 18, 2017

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***Lead Counsel on Behalf of Opt Out
Plaintiffs***

Counsel for the NFL Parties

It is so **ORDERED**, based on the above Stipulation, that:

- (i) Each of the NFL Parties' briefs in support of (a) their motion for dismissal on preemption grounds and (b) their motion for dismissal on any other 12(b) grounds shall not exceed fifty (50) pages.
- (ii) Each of Lead Counsel for Opt Out Plaintiffs' opposition briefs to the NFL Parties' motions to dismiss shall not exceed fifty (50) pages.
- (iii) Counsel for the Kansas City Chiefs Football Club, Inc. and the Arizona Cardinals Football Club, LLC will file a single, consolidated opposition brief to the motions to remand filed by Plaintiffs in the *Smith v. Arizona Cardinals Football Club, LLC* action (16-cv-1704) and the *Lewis, Smith, and Kenney v. Kansas*

City Chiefs Football Club, Inc. actions (14-cv-1995, 14-cv-3383, 14-cv-4779), which shall not exceed fifty (50) pages..

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: